

12-18-01

A/Reissue  
BOX SEE

JCS31 U.S. PTO  
12/12/01

December 12, 2001

Assistant Commissioner for Patents  
Box Reissue  
Washington, D.C. 20231

J1050 U.S. PTO  
10/017682  
12/12/01

Re: Reissue Application of Hashem AKHAVAN-TAFTI  
U.S. Patent No. 6,001,614  
Issued: December 14, 1999  
**Assignee: LUMIGEN, INC.**  
Attorney Docket No.: Lum 4.1-79

Dear Sir:

Attached hereto are the papers necessary for filing a reissue application based on the captioned U.S. Patent No. 6,001,614, issued December 14, 1999:

-- the reissue application, comprising a complete copy of U.S. Patent No. 6,001,614, including the specification and claims (28 columns in double column format, and including sequence listing), the cover page including the Abstract, and the patent drawings (Figs. 1-7); the patent comprising 21 sheets in total;

-- to the extent necessary, 7 clean sheets of formal drawings of Figures 1-7 are provided;  
-- Declaration Under 37 C.F.R. § 1.175, And Power of Attorney  
-- Consent of Assignee And Proof of Ownership, with attached recorded Assignment;  
-- Offer To Surrender Letters Patent;  
-- Information Disclosure Statement, Form PTO-1449, and a copy of each document listed thereon;

-- Preliminary Amendment And Statement of Status/Support For Changes to the Claims, the amended claims and newly added claims of which are expressly incorporated by reference into the reissue application;

-- copy of Terminal Disclaimer dated July 13, 1999, and filed during prosecution of U.S. Patent No. 6,001,614;

-- copy of Statement in Support, and paper and electronic versions of the Sequence Listing filed during prosecution of U.S. Patent No. 6,001,614; and

-- Return Receipt Postcard.

Applicant claims benefit of small entity status in accordance with 37 CFR § 1.27.

The Government filing fee is calculated as follows (**Small Entity fees apply**):

Total claims	<u>29</u>	-	20	=	<u>9</u>	x	\$9.00	=	<u>\$81.00</u>
Independent claims	<u>4</u>	-	3	=	<u>1</u>	x	\$42.00	=	<u>\$42.00</u>
Base Fee									\$370.00

**TOTAL FILING FEE**

**\$493.00**

Please charge the statutory filing fee of \$493.00 to Deposit Account No. 12-2368. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 and any petitions for extension of time under 37 C.F.R. § 1.136 which may be required during the entire pendency of the application to Deposit Account No. 12-2368. A duplicate copy of this transmittal letter is attached.

Please direct all correspondence about the reissue application:

Richard S. Handley, Ph.D.  
LUMIGEN, INC.  
22900 West Eight Mile Road  
Southfield, MI 48034  
Telephone: (248) 351-5600

To the extent necessary, benefit is claimed under 35 United States Code §120 of United States Patent Application No. 09/241,353, filed February 2, 1999, which issued as U.S. Patent No. 6,001,614 for which reissue is now sought. The cover page of the patent, submitted as the reissue application, already references this original application; therefore, it is not believed that a specific cross-reference in the specification is necessary.

Respectfully submitted,



Richard S. Handley, Ph.D.  
Registration No. 38,484

LUMIGEN, INC.  
22900 West Eight Mile Road  
Southfield, MI 48034  
Telephone: (248) 351-5600

Date: December 12, 2001

Practitioner's Docket No. Lum. 4.1-55**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Application No.: 09 / 241,353 Group No.: 1655

Filed: 02/02/99

Examiner: D. Johannsen

For: Methods of Synthesizing Polynucleotides by Ligation  
of Multiple Oligomers☐ \*Patent No.:

Issue Date:

*\*NOTE: Preferably also insert inventor's name and invention title.*

Assistant Commissioner for Patents

Washington, D.C. 20231

**TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321(c))****Identification of Person(s) Making This Disclaimer**I, Richard S. Handley

(type or print names of all inventors or assigns or name of attorney signing disclaimer)

(a) represent that I am

☐ an inventor of this invention.☐ an assignee of this invention.**WARNING:** "If the patent or patent application is assigned to an organization, such as a corporation, partnership, university, [g]overnment agency or similar entity, and the disclaimer is signed by the assignee, the assignee must comply with § 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61 at 56.☐ a representative authorized to sign on behalf of the assignee identified below.☐ A statement under 37 C.F.R. § 3.73(b) is attached.**WARNING:** See the above "WARNING".☒ the attorney of record for this invention.**NOTE:** The rules "permit an attorney or agent of record to sign a terminal disclaimer without the need to comply with § 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61, at 56.**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**☒ deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.**FACSIMILE**☐ transmitted by facsimile to the Patent and Trademark Office.Date: 7/13/99.

Signature

Nicole R. Lockhart  
Nicole R. Lockhart

(type or print name of person certifying)

**IDENTITY OF ASSIGNEE AND TITLE OF DISCLAIMANT**  
(if applicable)

The assignee is

Name of assignee \_\_\_\_\_

Address of assignee \_\_\_\_\_

Title of disclaimant authorized to sign on behalf of assignee \_\_\_\_\_

**EXTENT OF DISCLAIMANT'S INTEREST**

The extent of the interest in this invention that the disclaimant owns is in:

- ☐ the whole of this invention.
- ☐ a sectional interest in this invention, as follows:

*(state the exact interest of the disclaimant)*

**RECORDAL OF ASSIGNMENT IN PTO**  
(if applicable)

- ☐ The assignment was recorded on \_\_\_\_\_  
Reel \_\_\_\_\_  
Frame \_\_\_\_\_
- ☐ Authorization for recordal of the assignment is separately attached.
- ☐ A separate ☐ "ASSIGNMENT (DOCUMENT) COVER SHEET" or  
☐ FORM PTO 1595 is also attached.

**ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION**  
(if applicable)

- ☐ Attached is a STATEMENT UNDER 37 C.F.R. § 3.73(b) establishing the right of the assignee to take action in this case.

**DISCLAIMER**

The terminal part of the statutory term of any patent granted on the above-identified application or the above-identified patent that is subject to re-examination, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and § 173 of the patent or application forming the basis of the double patenting rejection.

☐ United States Patent No. \_\_\_\_\_, as presently shortened by any terminal disclaimer,

☒ Any patent granted on application number  
09 / 245,984 09/121,887, 09/241,979

is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to

☐ United States Patent No. \_\_\_\_\_,

☒ Any patent granted on application number  
09 / 245,984 09/121,887, 09/241,979

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and § 173 of the patent or application forming the basis of the double patenting rejection.

☐ United States Patent No. \_\_\_\_\_, as presently shortened by any terminal disclaimer,

☒ Any patent granted on application number  
09 / 245,984 09/121,887, 09/241,979

in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued in any matter or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

**FEE STATUS**

(37 C.F.R. § 1.20(d))

☐ Other than a small entity—fee \$110.00.

☒ Small entity—fee \$55.00.

☐ A statement is attached.

☒ A statement was already filed

*optional*

☐ in patent application \_\_\_\_\_

☐ on \_\_\_\_\_

Date

**FEE PAYMENT**

- ☐ Attached is a check in the sum of \$\_\_\_\_\_
- ☐ Charge Account \_\_\_\_\_ for any fee deficiency.
- ☒ Charge Deposit Account 12-2368 the sum of \$ 55.00
- A duplicate of this disclaimer is attached.

Date: July 13, 1999.

Reg. No.: 38,484

Customer No.:

Richard Handley  
Signature of disclaimant

Richard Handley  
SIGNATURE OF PRACTITIONER OF RECORD

Richard S. Handley  
(type or print name of practitioner)

24485 W Ten Mile Rd  
P.O. Address

Southfield, MI 48035

PATENT APPLICATION SERIAL NO. \_\_\_\_\_

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

03/01/2002 BNGUYEN1 00000014 122368 10017682

01 FC:208	370.00 CH
02 FC:209	84.00 CH
03 FC:210	54.00 CH